REMARKS

Claims 1, 3-10, 12-18, 25-30 and 32-37 are pending in the present application. In the above amendments, claims 1, 10, 17, 25, 28, 30 and 36 are amended. The amendments do not introduce new matter and are fully supported in the specification, for example, in paragraph 1010, lines 8-11.

Claims 1, 4-8, 10, 13-17, 25, 27-28, 30 and 33-36 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,193,151 to Jain.

Claims 3, 9, 12, 18, 26, 29, 32 and 37 were rejected under 35 U.S.C. §103(a) as being unpatentable over Jain.

Applicants respectfully traverse the above rejections because Jain does not disclose or suggest the claimed invention.

The invention, as recited in amended claim 1, is directed to:

"A method comprising:

incrementing a flow indication counter indicating an updated number of data packets transmitted from a buffer in a base transceiver station;

when said updated number of data packets transmitted from said buffer is equal to or greater than a threshold number, determining a window size of said buffer available to store data packets;

generating a flow indication message, said flow indication message indicating said window size; and

transmitting said flow indication message to a base station controller,

wherein the buffer size is used by the base station controller to determine the amount of data to transmit to the base transceiver station." (Amendments underlined.)

Jain does not disclose a "base transceiver station" or a "base station controller" as recited in independent claims 1, 10, 25 and 30. Jain discloses "links 13 and 17 [that] may include wire links in the same building or between buildings, or [that] may include long-distance fiber optic links, as well as satellite links." Col. 3, lines 25-28, as cited by the Office Action. Jain never mentioned or suggested base transceiver stations or base station controllers. For at least this

reason, Jain cannot anticipate the claimed invention under 35 U.S.C. §102(b) as Jain does not disclose each and every feature of the claimed invention.

Moreover, Jain does <u>not</u> disclose or suggest that "the buffer size is used by the base station controller to determine the amount of data to transmit to the base transceiver station" as recited in independent claims 1, 10, 25 and 30. For this reason, claims 1, 10, 25 and 30 and their dependent claims are also allowable over Jain.

REQUEST FOR ALLOWANCE

In view of the foregoing, applicants respectfully submit that all of the pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application are earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

Dated: 04/21/2006   By: _____
                                 Kenneth K. Vu, Reg. No. 46,323
                                 Tel. (858) 658-5106

QUALCOMM Incorporated
5775 Morehouse Drive
San Diego, California 92121
Telephone: (858) 651-4125
Facsimile: (858) 658-2502